IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.27225 of 2008
AWADHESH KUMAR SINGH
SON OF LATE GAURI SHANKAR PRASAD SINGH,
RESIDENT OF MITRA COMPOUND, BORING CANAL ROAD,
P.S. BUDDHA COLONY, TOWN & DISTRICT- PATNA
Versus
STATE OF BIHAR
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4 **01.10.2008** Heard learned counsel for the petitioner and the State.

Petitioner is an accused in a case registered for the offences under Sections 109, 201, 420, 467, 468, 471, 477A, 120B of the Indian Penal Code and section 5(2) read with section 5(1)(d) of the Prevention of Corruption Act, 1947 corresponding to section 13(2) read with section 13(1)(d) of the Prevention of Corruption Act, 1988.

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The allegation against the petitioner is to the effect that while he was working as Director Land Acquisition & Rehabilitation he is alleged to have made twenty-two appointments on class IV post in illegal/irregular manner in violation of the laid down instructions of the State Government that fifty per cent of the posts shall be kept earmarked for appointment of persons who have been displaced from their land on account of acquisition. The petitioner allegedly violated the same and made appointments.

It is submitted on behalf of the petitioner that as a matter of fact no appointment has been made under his decision, and as such, the allegation of making twenty-two appointments is factually incorrect. It is further submitted that

the petitioner having retired in the year 1994 has become very old and weak and suffering from various ailments as would be appearing on perusal of the medical reports, as contained in Annexure-8 series to the petition. It is further submitted that another co-accused namely, Narayan Murti, who is also alleged to have made seven appointments in the same manner, has been allowed anticipatory bail as per the order dated 08.09.2008 passed in Cr. Misc. No. 25278 of 2008. Learned counsel has produced the certified copy of the aforesaid order, which is kept on record.

Mr. Rakesh Kumar, learned Special Public Prosecutor appearing on behalf of the vigilance opposes the prayer for bail.

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Having considered the submissions, as noticed above, and in the facts and circumstances of the case, it is directed that in the event of arrest or surrender within a period of six weeks from today, the petitioner, namely, Awadhesh Kumar Singh be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Vigilance I, Patna, in connection with Special Case No. 6 of 1997 arising out of Vigilance P.S.Case No. 4 of 1997 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

Manish/- **(Shailesh Kumar Sinha,J.)**